



CONSERVATION LAW FOUNDATION

November 3, 2003

Via Facsimile and U.S. Mail

Mr. Michael Sclafani, Appeals Clerk
New Hampshire Water Council
N.H. Department of Environmental Services
6 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

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Re: Docket No. 03-10-WtC
(Appeal of Conservation Law Foundation, In re: Water Quality Certificate
2003-001)

Dear Clerk Sclafani:

It has come to my attention that the Water Council has not ruled on CLF's Motion to Stay in the above-referenced appeal. As stated in that motion, there are reasons why, for purposes of administrative and judicial economy, it makes sense to stay this action until the wetlands permitting process has been resolved (i.e. this appeal could be rendered moot and unnecessary if the Wetlands Bureau affirms its denial of a wetlands permit). Should this appeal become necessary (i.e. should Endicott General Partnership succeed in overturning the Wetlands Bureau's denial of a wetlands permit), it would then make sense to proceed with a hearing relative to standing (should the Council still desire such a hearing) and a final hearing, and perhaps with the opportunity for a prehearing conference.

Can CLF and the other parties to this action expect a ruling on this motion (to which Endicott General Partnership entered an objection after the Water Council last met)? As you know, hearings on this matter are scheduled for November 12, 2003. As always, thank you for your assistance in this matter.

Very truly yours,

Thomas F. Irwin

cc: Malcolm R. McNeill, Jr., Esq.
Jennifer J. Patterson, Esq.

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